

## Certificate of Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, under 37 CFR 1.10 on the date indicated below addressed to:

### MAIL STOP PATENT TERM EXTENSION

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on 9-9-2004  
Date

EV 418174317 US

Express Mail Label No.

Linda Sengvong  
Signature

LINDA SENGVONG

Typed or Printed Name

Note: Each paper must have its own certificate of Mailing or this certificate must identify each submitted paper

Transmittal Form (1 page); Petition Under 37 C.F.R. 1.181 to Review Determination of Patent Term Extension Pursuant to 37 C.F.R. §1.701 (4 pages); Appendices with Tabs 1-6: 1. Determination of Patent Term Extension (1 page); 2. Filing Receipt for CPA (2 pages); 3. Notice of Appeal (1 page); 4. BAPI Decision (5 pages); 5. Notice of Allowance (5 pages); 6. P.A.I.R. Printout (3 pages); and return postcard.

Applicant: Chesser, et al.

Group Art Unit: 1774

Serial No.: 08/869,109

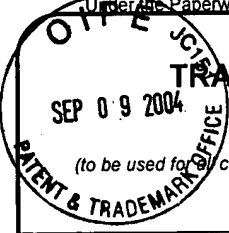
Examiner: Kelly

Filing Date: June 4, 1997

Atty. Docket No.: 154-09245-CPA

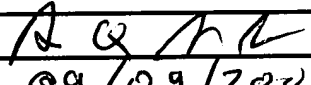
Title: Controlled Hydration of Starch In High Density Brine Dispersion

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <p><b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)</p>	Application Number	08/869,109	
	Filing Date	June 4, 1997	
	First Named Inventor	Chesser, et al.	
	Art Unit	1774	
	Examiner Name	Kelly	
Total Number of Pages in This Submission	6+	Attorney Docket Number	154-09245-CPA

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition for Patent Term Extension.	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Appendices with Enclosures (1-6);
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Cert. of Mail Under 37 CFR 1.10; and
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return postcard.
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Remarks</b> The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0429 (154-09245-CPA), maintained by Baker Hughes Incorporated.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Alberto Q. Amatong, Jr., Reg. No. 41,580
Signature	
Date	09/09/2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

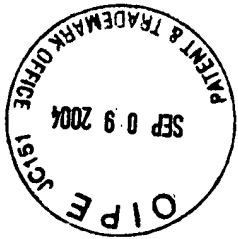
Typed or printed name

Please see attached certificate of mailing under 37 CFR 1.10

Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



9110784

DAC  
IRW  
\$

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Group Art Unit: 1774
Chesser et al.	§	
	§	
Serial No.: 08/869,109	§	Examiner: Kelly
	§	
Filed: June 4, 1997	§	
	§	
For: Controlled Hydration of	§	
Starch In High Density	§	Atty. Docket: 154-09245-CPA
Brine Dispersion	§	

**PETITION UNDER 37 C.F.R. 1.181 TO REVIEW DETERMINATION OF  
PATENT TERM EXTENSION PURSUANT TO 37 C.F.R. §1.701**

**Mail Stop Patent Extension**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Applicants respectfully petition the Commissioner for Patents to review and reconsider the Patent Term Extension determined for the present application, as indicated on the communication entitled Determination of Patent Term Extension Under 35 U.S.C.A 154(b) and mailed July 21, 2004. Specifically, Applicants request that any patent to be issued from the above-identified application include an indication of a 981 days term extension. The basis for the requested Patent Term Extension is provided under §1.701(a)(3) and §1.701(c)(3), which cover Examination Delays caused by a review by the Board of Patent Appeals and Interferences and wherein "a patent was issued pursuant to a decision reversing an adverse determination of patentability."

09/13/2004 RFEKADU2 00000079 020429 08869109  
01 FC:1455 200.00 DA

## **STATEMENT OF FACTS**

The present application was filed on March 24, 1999 as a Continuing Prosecution Application (CPA) of a patent application originally filed on July 4, 1997. The claims of the CPA application were rejected in a non-Final Office Action and then, again in a Final Office Action. After receiving an Advisory Action from the U.S.P.T.O., Applicants filed a Notice of Appeal on May 12, 2000. On January 17, 2003, the Board issued a Decision on the Appeal in the form of a Remand to the Examiner (see attached copy). The Examiner then issued a First Office Action on October 6, 2003, in which all claims were rejected and to which Applicants filed a Response on December 1, 2003. The next communication issued by the U.S.P.T.O. was a Notice of Allowance on July 21, 2004. This Notice was accompanied by the above-mentioned Determination of Patent Term Extension.

A summary of the relevant activities and dates are provided below:

Original Filing Date:	June 4, 1997
CPA Filing Date:	March 24, 1999
Notice of Appeal:	May 12, 2000
BAPI Decision:	January 17, 2003
Notice of Allowance:	July 21, 2004

Copies of USPTO Communications reflecting the above activities are provided in the attached Appendix, along with the Determination of Patent Term Extension and a P.A.I.R. printout of the File History.

## **BASIS FOR TERM EXTENSION**

For purposes of Patent Term Adjustment (or extension), Section §1.701 applies because the present application was filed on or after June 8, 1995, but before May 29, 2000. Applicants request a Patent Term Extension of a total of 981 days, on the basis of §1.701(a)(3), as determined by §1.701(c)(3). Specifically, the Applicants submit that the Patent to be issued on this application is entitled to an extension of the patent term because issuance was delayed due to an appellate review by the Board of Patent Appeals and Interferences, in which a “decision reversing the adverse determination of patentability” was rendered. Former 35 U.S.C 154(b)(2). Applicants further submit that the patent will not be “subject to a terminal disclaimer due to the issuance of another patent claiming subject matter that is not patentably distinct from that under appellate review,” as required by §1.701(a)(3). The Term Extension is determined as the number of days in the period beginning on the filing date of the Notice of Appeal (May 12, 2000) and ending on the issuance date of the Decision from the BAPI (January 17, 2003). *See* 37 CFR §1.701(c)(3). For the present application, this period accounts for a total of 981 days.

Applicants further direct attention to recent revisions of the Patent Term Extension and Patent Term Adjustment provisions, effective May 18, 2004. The present rule provides that certain remands by the BAPI shall be considered “a decision in the review reversing an adverse determination of patentability.” 37 C.F.R. §1.701(a)(3). Specifically, if an Application is remanded by a panel of the BAPI and the Remand is the last action by the BAPI panel prior to the mailing of the Notice of Allowance under 35 U.S.C. 151 in the Application, the Remand shall be considered a “decision reversing an adverse determination of patentability” for patent term extension purposes. *Id.* Such consideration is conditioned on the absence of a Request for Continued Examination (RCE) that was “first preceded by the mailing, after such remand, of at

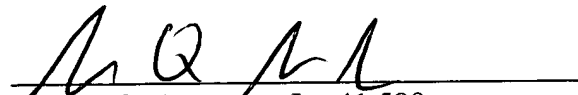
least one of an action under 35 U.S.C. §132 or a Notice of Allowance under 35 U.S.C. §151”. *Id.* In respect to the present application, the Decision for Remand on January 17, 2003 was, indeed, the “last action by the BAPI panel prior to the mailing of the Notice of Allowance...” Moreover, the Applicants have not filed (and will not file) an RCE at any time after the BAPI Decision. Accordingly, the BAPI’s Decision for Remand is a “decision reversing an adverse determination of patentability”, for purposes of 37 C.F.R. §1.701(a)(3).

### **CONCLUSION AND PETITION**

Applicants submit that the present application is entitled to a patent term extension of 981 days. Accordingly, Applicants petition the Commissioner under 37 C.F.R. §1.181 to review the present Determination of Patent Term Extension and determine a Patent Term Extension of 981 days for indication on the soon-to-be issued Patent.

Applicants believe that a fee as set forth in 37 C.F.R. §1.18(e) is required of this Petition. The Commissioner is hereby authorized to charge the amount of \$200.00 to cover the fee and any additional fees or credit any overpayments related to this Petition to Deposit Account No. **02-0429** (154-09245-CPA), maintained by Baker Hughes Incorporated.

Respectfully submitted,



Alberto Q. Amatong, Jr., 41,580  
Paula D. Morris & Associates, P.C.  
d/b/a The Morris Law Firm, P.C.  
10260 Westheimer, Suite 360  
Houston, Texas 77042  
Telephone: (713) 334-5151  
Facsimile: (713) 334-5157  
ATTORNEY FOR APPLICANTS



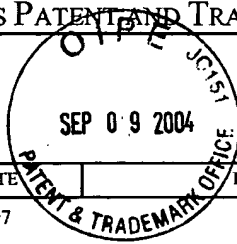
## APPENDICES

1. Determination of Patent Term Extension
2. Filing Receipt for Continuing Prosecution Application
3. Notice of Appeal
4. BAPI Decision
5. Notice of Allowance
6. P.A.I.R. Printout



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/869,109	06/04/1997	BILLY G. CHESSER	B154-9245	4324

23770 7590 07/21/2004

PAULA D. MORRIS & ASSOCIATES, P.C.  
d/b/a THE MORRIS LAW FIRM, P.C.  
10260 WESTHEIMER, SUITE 360  
HOUSTON, TX 77042-3110

EXAMINER
----------

DYE, RENA

ART UNIT	PAPER NUMBER
----------	--------------

1774

DATE MAILED: 07/21/2004

## Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

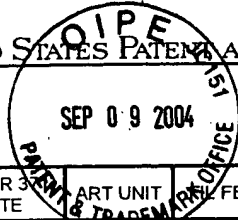
Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.





## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 3 (c) DATE	ART UNIT	FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
08/869,109	06/04/1997	1774	1850	B154-9245		26	4

CONFIRMATION NO. 4324

23770  
 PAULA D. MORRIS & ASSOCIATES, P.C.  
 10260 WESTHEIMER, SUITE 360  
 HOUSTON, TX 77042

RECEIVED

MAY 14 2004

PDM&amp;A, P.C.

CORRECTED FILING RECEIPT



\*OC000000012564730\*

Date Mailed: 05/07/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

BILLY G. CHESSER, ONALASKA, TX;  
 GREGORY A. MULLEN, HOUSTON, TX;  
 DAVE CLARK, HUMBLE, TX;

**Assignment For Published Patent Application**

Baker Hughes Incorporated, Houston, TX;

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/039,614 03/18/1997

**Foreign Applications**

If Required, Foreign Filing License Granted: 11/17/1997

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**Title**

CONTROLLED HYDRATION OF STARCH IN HIGH DENSITY BRINE DISPERSION

Preliminary Class

507

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**NOTICE OF APPEAL FROM THE EXAMINER**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCE**

In re Application of:	§	Group Art Unit: 1756
Chesser, et al.	§	
	§	
Serial No.: 08/869,109	§	
	§	
Filed: June 4, 1997	§	Examiner: C. H. Kelly
	§	
For: Controlled Hydration of Starch	§	
in High Density Brine Dispersion	§	Atty. Docket: 154-09245-CPA

Commissioner for Patents & Trademarks  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 20, 2000, finally rejecting claims 1, 3, 7, 9, 14-16, 21, 22, 26, 27, and 29-65. 37 C.F.R. §1.191.

Appeal Fee amount: \$300.00  
Charge to Deposit Account No.: 02-0429 (154-09245-CPA)

The Commissioner is also hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 02-0429(154-09245-CPA), which is maintained by Baker Hughes Incorporated.

One additional copy of this Notice is enclosed herewith.

Respectfully submitted,

Paula D. Morris  
Registration No. 31,516  
Paula D. Morris & Associates, PC  
2925 Augusta, Suite 930  
Houston, TX 77042  
Telephone No. (713)-334.5151  
Facsimile No. (713)-334-5157

**CERTIFICATE OF MAILING**

I hereby certify that this paper, along with any referred to as being attached or enclosed, is being forwarded to the Commissioner of Patent and Trademarks, Washington, DC 20231, via the United States Postal Service, first class mail, postage prepaid on 9 day of MAY 2000.

  
Ellen Peacock



The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

RECEIVED

JAN 21 2003

PDM&A, P.C.

Ex parte BILLY G. CHESSER, GREGORY A. MULLEN,  
and DAVE CLARK

Appeal No. 2001-0951  
Application No. 08/869,109

ON BRIEF

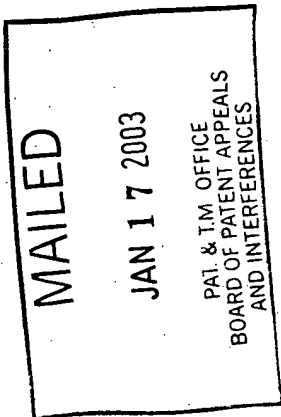
Before GARRIS, KRATZ, and PAWLIKOWSKI, Administrative Patent Judges.

GARRIS, Administrative Patent Judge.

REMAND TO THE EXAMINER

This application is hereby remanded to the examiner for appropriate action consistent with our comments below.

Our study of the file record for this application reveals confusion with respect to the claims which are pending and on appeal. For example, on each of pages 1 and 2 of the brief (paper no. 24), the listing of finally rejected claims which are on appeal does not include claim 23. However, claim 23 is presented in the appendix of the brief and is included in the



Appeal No. 2001-0951  
Application No. 08/869,109

examiner's statement of rejection as presented on page 2 of the final office action (paper no. 20) and as presented on page 3 of the answer (paper no. 25). Additionally, on page 2 of the brief, the appellants state "[a]lthough 'claim 27' was appealed, Appellant submits that there is no claim 27, but that original claim 27 was renumbered as claim 26." This statement clearly reflects confusion as to the status and numbering of claim "27"/claim "26." Additional confusion exists with respect to claims 16 and 23 in that these claims as presented in the brief appendix correspond to original claims 16 and 23 which, according to the application file record, were renumbered<sup>1</sup> as claims 15 and 22 respectively and then canceled.

Upon return of this application to the jurisdiction of the Examining Corps., the examiner must communicate to the appellants the status, content and numbering of all claims now pending in the application file. Moreover, the appellants must respond to this communication in such a way as to ultimately clarify in the minds of both the examiner and the appellants an understanding

---

<sup>1</sup>As originally filed, this application presented claims 1-13 and 15-27 (i.e., the originally filed application contained no claim "14"). As a result, claims 15-27 were respectively renumbered as claims 14-26 in accordance with 37 CFR § 1.126. This circumstance appears to have generated the claim confusion discussed above.

and agreement as to this claim status, content and numbering.

In addition to the foregoing, we observe that the appellants' reply brief (paper no. 26) presents arguments to which the examiner has not responded on the record of this appeal.<sup>2</sup> For example, the reply brief includes argument regarding the polymer concentrations disclosed in the applied prior art (i.e., U.K. Patent Application, GB, 2084586) and presents "EXHIBIT I" for the calculations by which appellants determined these prior art concentrations. The record before us is completely silent as to whether the examiner has considered this exhibit and, if so, whether the examiner agrees with the concentration calculations set forth therein.

Therefore, upon return of this application to the jurisdiction of the Examining Corps., the examiner must respond, ("e.g., via a supplemental examiner's answer") to the arguments as well as the exhibit calculations presented in the reply brief so as to thereby clarify whether the examiner agrees with any such arguments and calculations, and if not, why not.

---

<sup>2</sup>The examiner's only comment (see paper no. 27) regarding this reply brief is that it "has been considered and noted."

Appeal No. 2001-0951  
Application No. 08/869,109

This application, by virtue of its "special" status, requires an immediate action; See the Manual of Patent Examining Procedure (MPEP), § 708.01(D) (8th Ed., Aug. 2001). It is important that the Board be promptly informed of any action affecting the appeal in this case.

REMANDED

BRADLEY R. GARRIS

BRADLEY R. GARRIS  
Administrative Patent Judge

Pets F. Kurb

PETER F. KRATZ  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES.

Beverly A. Pawlikowski

BEVERLY A. PAWLIKOWSKI  
Administrative Patent Judge

BRG:hh

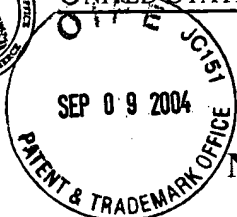
Appeal No. 2001-0951  
Application No. 08/869,109

PAULA D. MORRIS  
PAULA D. MORRIS & ASSOCIATES, P.C.  
2925 BRIAR PARK, STE. 930  
HOUSTON, TX 77042





## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

23770

7590

07/21/2004

PAULA D. MORRIS & ASSOCIATES, P.C.  
d/b/a THE MORRIS LAW FIRM, P.C.  
10260 WESTHEIMER, SUITE 360  
HOUSTON, TX 77042-3110

RECEIVED

JUL 26 2004

PDM&amp;A, P.C.

EXAMINER

DYE, RENA

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 07/21/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/869,109	06/04/1997	BILLY G. CHESSER	B154-9245	4324

TITLE OF INVENTION: CONTROLLED HYDRATION OF STARCH IN HIGH DENSITY BRINE DISPERSION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	10/21/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

9-21-04 Reminder  
10-21-04 Pay Issue Fee

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
or Fax **(703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

23770 7590 07/21/2004

**PAULA D. MORRIS & ASSOCIATES, P.C.**  
**d/b/a THE MORRIS LAW FIRM, P.C.**  
**10260 WESTHEIMER, SUITE 360**  
**HOUSTON, TX 77042-3110**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/869,109	06/04/1997	BILLY G. CHESSER	B154-9245	4324

**TITLE OF INVENTION: CONTROLLED HYDRATION OF STARCH IN HIGH DENSITY BRINE DISPERSION**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	10/21/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
DYE, RENA	1774	507-212000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.  
 1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

## **4a. The following fee(s) are enclosed:**

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

## **4b. Payment of Fee(s):**

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## **5. Change in Entity Status (from status indicated above)**

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

(Date)

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/869,109	06/04/1997	BILLY G. CHESSER	B154-9245	4324
23770	7590	07/21/2004	EXAMINER	
PAULA D. MORRIS & ASSOCIATES, P.C. d/b/a THE MORRIS LAW FIRM, P.C. 10260 WESTHEIMER, SUITE 360 HOUSTON, TX 77042-3110			DYE, RENA	
			ART UNIT	PAPER NUMBER
			1774	
DATE MAILED: 07/21/2004				

## Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

# Notice of Allowability

Application No.

08/869,109

Examiner

Cynthia H Kelly

Applicant(s)

CHESSER ET AL

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 66-114.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

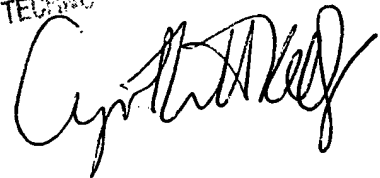
*Cynthia H Kelly*

Art Unit: 1774

# REASONS FOR ALLOWANCE

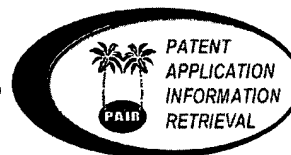
The prior art does not teach the process as claimed. The prior art do not teach the amounts of components as claimed and do not provide motivation for modification of the amounts of each component.

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700





## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
**PATENT APPLICATION INFORMATION RETRIEVAL**

Search results as of: 8-12-2004::16:6:6 E.T.

Search results for application number: 08/869,109			
Application Number:	08/869,109	Customer Number:	23770
Filing or 371(c) Date:	06-04-1997	Status:	Notice of Allowance Mailed -- Application Received in Office of Publications
Application Type:	Utility	Status Date:	08-03-2004
Examiner Name:	DYE, RENA	Location:	ELECTRONIC
Group Art Unit:	1774	Location Date:	-
Confirmation Number:	4324	Earliest Publication No:	-
Attorney Docket Number:	B154-9245	Earliest Publication Date:	-
Class/ Sub-Class:	507/212	Patent Number:	-
First Named Inventor:	BILLY G. CHESSER, ONALASKA, TX (US)	Issue Date of Patent:	-
Title Of Invention:	CONTROLLED HYDRATION OF STARCH IN HIGH DENSITY BRINE DISPERSION		

## Search Options

Assignments
Continuity Data
Image File Wrapper
Patent Term Extension History
Publication Review

File History	
Date	Contents Description
08-03-2004	Receipt into Pubs
08-02-2004	Workflow - File Sent to Contractor
07-21-2004	Mail Notice of Allowance
07-20-2004	Issue Revision Completed
07-20-2004	Notice of Allowance Data Verification Completed
07-19-2004	Notice of Allowability
07-19-2004	Case Docketed to Examiner in GAU
07-01-2004	Case Docketed to Examiner in GAU
01-08-2004	Correspondence Address Change
01-07-2004	IFW Amended case processing Complete
01-07-2004	Date Forwarded to Examiner
12-01-2003	Response after Non-Final Action
10-06-2003	Mail Non-Final Rejection

10-01-2003	Non-Final Rejection
01-17-2003	Panel Remand to the Examiner by BPAI
11-06-2001	Case Docketed to Examiner in GAU
03-13-2001	Assignment of Appeal Number
06-16-1998	Case Docketed to Examiner in GAU
08-11-2001	Case Docketed to Examiner in GAU
11-02-2000	Case Docketed to Examiner in GAU
10-17-2000	Mail Reply Brief Noted by Examiner
10-17-2000	Reply Brief Noted by Examiner
09-28-2000	Date Forwarded to Examiner
09-25-2000	Reply Brief Filed
08-11-2000	Mail Examiner's Answer
08-10-2000	Examiner's Answer to Appeal Brief
07-25-2000	Date Forwarded to Examiner
07-10-2000	Appeal Brief Filed
05-12-2000	Notice of Appeal Filed
04-20-2000	Mail Advisory Action (PTOL - 303)
04-20-2000	Advisory Action (PTOL-303)
04-18-2000	Date Forwarded to Examiner
04-10-2000	Amendment after Final Rejection
02-09-2000	Mail Final Rejection (PTOL - 326)
02-09-2000	Final Rejection
01-05-2000	Date Forwarded to Examiner
12-14-1999	Response after Non-Final Action
09-28-1999	Mail Non-Final Rejection
09-27-1999	Non-Final Rejection
07-20-1999	Correspondence Address Change
07-25-1999	Date Forwarded to Examiner
07-19-1999	Response after Non-Final Action
04-30-1999	Mail Non-Final Rejection
04-30-1999	Non-Final Rejection
04-02-1999	Date Forwarded to Examiner
03-24-1999	Continuing Prosecution Application - Continuation (ACPA)
03-24-1999	Mail Express Abandonment (During Examination)
03-24-1999	Express Abandonment (during Examination)
02-24-1999	Mail Advisory Action (PTOL - 303)
02-23-1999	Advisory Action (PTOL-303)
02-11-1999	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
02-11-1999	Date Forwarded to Examiner
02-11-1999	Amendment after Final Rejection
12-08-1998	Mail Final Rejection (PTOL - 326)
12-07-1998	Final Rejection
10-01-1998	Date Forwarded to Examiner
09-21-1998	Response after Non-Final Action
08-31-1998	Information Disclosure Statement (IDS) Filed

06-22-1998	Mail Non-Final Rejection
06-16-1998	Non-Final Rejection
04-24-1998	Preliminary Amendment
01-16-1998	Information Disclosure Statement (IDS) Filed
06-04-1997	Preliminary Amendment
04-02-1998	Case Docketed to Examiner in GAU
02-18-1998	Application Dispatched from OIPE
02-17-1998	Application Is Now Complete
11-18-1997	Notice Mailed--Application Incomplete--Filing Date Assigned
08-07-1997	IFW Scan & PACR Auto Security Review
07-17-1997	Initial Exam Team nn